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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/005,012 | 12/04/2001 | Miki Abe | 450100-03657 | 9706 |
| 20999 | 7590 | 03/29/2005 | EXAMINER | |
| FROMMERM LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151 | | | CERVETTI, DAVID GARCIA | |
| | | ART UNIT | PAPER NUMBER | |
| | | 2136 | | |

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/005,012 | ABE ET AL. | |
| | Examiner | Art Unit | |
| | David G. Cervetti | 2136 | |

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 December 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 December 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/8/2003.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 22 (FIG. 4). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: "ATRAC3" (page 4, line 8). While well known in the art, this terms has not been defined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Morito (US Patent Number: 6,782,190).

Regarding claim 1, Morito teaches a data transfer apparatus comprising: transfer means for transferring content data encrypted in a predetermined manner from a first recording means which can store encrypted content data to an external apparatus (column 5, lines 18-45, column 7, lines 55-67, column 8, lines 1-13); discrimination means for making discrimination between a first external apparatus which can record only encrypted content data to a second recording means accommodated in said external apparatus connected to said data transfer apparatus and a second external apparatus which can record only decrypted content data to said second recording means (column 6, lines 15-27); and if said first external apparatus is discriminated by said discrimination means, control means for decrementing a transfer count of the encrypted content data when transferring said encrypted content data from said first recording means to said external apparatus, incrementing said transfer count when said encrypted content data are returned from said first external apparatus, and disabling the

transfer of said content data from said first recording means to said external apparatus if said transfer count has exceeded a predetermined limit value (column 6, lines 15-27) and, if said second external apparatus is determined by said discrimination means, said control means disabling the return of the encrypted content data from said second external apparatus (column 6, lines 15-27).

Regarding claim 2, Morito teaches wherein said second recording means accommodated in said first external apparatus is a flash memory (column 4, lines 20-45, column 11, lines 20-29).

Regarding claim 3, Morito teaches wherein said second recording means accommodated in said second external apparatus is a magneto-optical disk (column 4, lines 20-45, column 11, lines 20-29).

Regarding claim 4, Morito teaches wherein said first recording means is a hard disk (column 4, lines 20-45, column 11, lines 20-29).

Regarding claim 5, Morito teaches wherein said second external apparatus has decryption means for decrypting the encrypted content data transferred from said data transfer apparatus, recording the content data decrypted by said decryption means into said second recording means (column 6, lines 21-27, column 9, lines 50-67).

Regarding claim 6, Morito teaches the data transfer apparatus according to claim 1, further comprising: first receiving means for receiving the encrypted content data and a control signal from a content server (column 8, lines 40-58); second receiving means for receiving unencrypted content data from a package medium (column 8, lines 40-58); and if said second external apparatus is discriminated by said discrimination means,

determination means for determining whether or not to transfer said content data from said content server on the basis of said control signal attached to said content data supplied from said content server (column 8, lines 59-67, column 9, lines 1-17).

Regarding claim 7, Morito teaches wherein said control means restricts the transfer count of said content data supplied from said content server, said content data being transferred from said first recording means to said second external apparatus (column 8, lines 22-39).

Regarding claim 8, Morito teaches the data transfer apparatus according to claim 1, further comprising: first receiving means for receiving encrypted content data and a control signal supplied from a content server (column 8, lines 40-58); second receiving means for receiving unencrypted content data supplied from a package medium (column 8, lines 40-58); and encryption means for encrypting said unencrypted content data supplied from said package medium and received by said second receiving means (column 8, lines 14-40); if said second external apparatus is discriminated by said discrimination means, the content data encrypted by said encryption means being supplied to said second external apparatus (column 8, lines 59-67, column 9, lines 1-17).

Regarding claim 9, Morito teaches a data transfer system having a data transfer apparatus and at least one of a first external apparatus and a second external apparatus which can be selectively connected to said data transfer apparatus, said data transfer apparatus comprising (column 5, lines 18-45, column 7, lines 55-67, column 8, lines 1-13): transfer means for transferring content data encrypted in a predetermined

manner from a first recording means which can store encrypted content data to an external apparatus (column 9, lines 60-67); discrimination means for making discrimination between a first external apparatus which can record only encrypted content data to a second recording means accommodated in said external apparatus connected to said data transfer apparatus and a second external apparatus which can record only decrypted content data to said second recording means (column 6, lines 15-27); and if said first external apparatus is discriminated by said discrimination means, control means for decrementing a transfer count of the encrypted content data when transferring said encrypted content data from said first recording means to said external apparatus, incrementing said transfer count when said encrypted content data are returned from said first external apparatus, and disabling the transfer of said content data from said first recording means to said external apparatus if said transfer count has exceeded a predetermined limit value (column 6, lines 15-27) and, if said second external apparatus is discriminated by said discrimination means, said control means disabling the return of the encrypted content data from said second external apparatus (column 6, lines 15-27); said second external apparatus comprising: receiving means for receiving the content data encrypted in a predetermined manner from said transfer means (column 9, lines 60-67); decryption means for decrypting said content data encrypted in a predetermined manner received by said receiving means (column 10, lines 1-30); and recording means for recording said content data decrypted by said description means into said second recording means (column 9, lines 60-67).

Regarding claim 10, Morito teaches wherein said second recording means accommodated in said first external apparatus is a flash memory (column 4, lines 20-45, column 11, lines 20-29).

Regarding claim 11, Morito teaches wherein said second recording means accommodated in said second external apparatus is a magneto-optical disk (column 4, lines 20-45, column 11, lines 20-29).

Regarding claim 12, Morito teaches wherein said first recording means is a hard disk (column 4, lines 20-45, column 11, lines 20-29).

Regarding claim 13, Morito teaches wherein said second external apparatus has decryption means for decrypting the encrypted content data transferred from said data transfer apparatus, recording the content data decrypted by said decryption means into said second recording means (column 6, lines 21-27, column 9, lines 50-67).

Regarding claim 14, Morito teaches the data transfer system according to claim 9, further comprising: first receiving means for receiving the encrypted content data and a control signal from a content server (column 8, lines 40-58); second receiving means for receiving unencrypted content data from a package medium (column 8, lines 40-58); and if said second external apparatus is discriminated by said discrimination means, determination means for determining whether or not to transfer said content data from said content server on the basis of said control signal attached to said content data supplied from said content server (column 8, lines 59-67, column 9, lines 1-17).

Regarding claim 15, Morito teaches wherein said control means restricts the transfer count of said content data supplied from said content server, said content data

being transferred from said first recording means to said second external apparatus (column 8, lines 22-39).

Regarding claim 16, Morito teaches the data transfer system according to claim 9, wherein said data transfer apparatus further comprises: first receiving means for receiving encrypted content data and a control signal supplied from a content server (column 8, lines 40-58); second receiving means for receiving unencrypted content data supplied from a package medium (column 8, lines 40-58); and encryption means for encrypting said unencrypted content data supplied from said package medium and received by said second receiving means (column 8, lines 14-40); if said second external apparatus is discriminated by said discrimination means, the content data encrypted by said encryption means being supplied to said second external apparatus (column 8, lines 59-67, column 9, lines 1-17).

Regarding claim 17, Morito teaches a data transfer method for transferring encrypted content data from a data transfer apparatus having a first memory which can store encrypted content data to a second memory accommodated in an external apparatus connected to said data transfer apparatus, said data transfer method comprising (column 5, lines 18-45, column 7, lines 55-67, column 8, lines 1-13): discrimination step for discriminating between a first external apparatus which can record only encrypted content data to a second memory accommodated in said external apparatus connected to said data transfer apparatus and a second external apparatus which can record only decrypted content data to said second memory (column 6, lines 15-27); if said first external apparatus is discriminated by said discrimination means, first

control step for decrementing a transfer count of the encrypted content data when transferring said encrypted content data from said first memory to said external apparatus, incrementing said transfer count when said encrypted data are returned from said first external apparatus, and disabling the transfer of said content data from said first memory to said external apparatus if said transfer count has exceeded a predetermined limit value (column 6, lines 15-27); and, if said second external apparatus is discriminated in said discrimination step, second control step for disabling the return of the encrypted content data from said second external apparatus (column 6, lines 15-27).

Regarding claim 18, Morito teaches wherein said second memory accommodated in said first external apparatus is a flash memory (column 4, lines 20-45, column 11, lines 20-29).

Regarding claim 19, Morito teaches wherein said second memory accommodated in said second external apparatus is a magneto-optical disk (column 4, lines 20-45, column 11, lines 20-29).

Regarding claim 20, Morito teaches wherein said first memory is a hard disk (column 4, lines 20-45, column 11, lines 20-29).

Regarding claim 21, Morito teaches the data transfer method according to claim 17, wherein, if the encrypted content data to be stored in said first memory are supplied via a network, control information is attached to said encrypted content data and stored in said first memory (column 8, lines 40-58), said data transfer method further comprising: judgment step for judging whether there is said control information when

transferring said encrypted content data from said first memory to said second external apparatus; and if said second external apparatus has been discriminated in said discrimination step, determination step for determining whether to transfer said content data supplied from said content server depending on the presence of said control information (column 8, lines 59-67, column 9, lines 1-17).

Regarding claim 22, Morito teaches restricting step for restricting a transfer count in which said content data supplied from said content server can be transferred from said first memory of said data transfer apparatus to said second external apparatus (column 8, lines 22-39).

Regarding claim 23, Morito teaches the data transfer method according to claim 17, wherein, if encrypted content data to be stored in said first memory are supplied from a package medium (column 8, lines 40-58) and said second external apparatus has been discriminated in the discrimination step, said encrypted content data are supplied to said second external apparatus (column 8, lines 59-67, column 9, lines 1-17).

Regarding claim 24, Morito teaches a data recording apparatus which receives encrypted content data from a data transfer apparatus having a first recording medium storing said encrypted content data and records the received encrypted content data to a second recording medium (figure 3, numerals 12 and 1), comprising: communication means for performing bidirectional communication with said data transfer apparatus (column 5, lines 45-55); authentication processing means for performing authentication with said data transfer apparatus through said communication means (column 5, lines

55-67, column 6, lines 1-15); decryption means for decrypting said encrypted content data supplied from said data transfer apparatus through said communication means (column 7, lines 55-67, column 8, lines 1-13); recording means for recording said content data decrypted by said description means to said second recording medium (column 5, lines 18-45); and control means for disabling the return of said content data from said second recording medium to said data transfer apparatus through said communication means (column 6, lines 15-27).

Regarding claim 25, Morito teaches a recording medium storing a computer-readable program for transferring encrypted content data from a data transfer apparatus having a first memory storing said encrypted content data to a second memory accommodated in an external apparatus connected to said data transfer apparatus (column 5, lines 18-45, column 7, lines 55-67, column 8, lines 1-13), said computer-readable program comprising: discrimination step for discriminating between a first external apparatus which can record only encrypted content data to a second memory accommodated in said external apparatus connected to said data transfer apparatus and a second external apparatus which can record only decrypted content data to said second memory (column 6, lines 15-27); if said first external apparatus is discriminated in said discrimination step, first control step for decrementing a transfer count of the encrypted content data when transferring said encrypted content data from said first memory to said external apparatus, incrementing said transfer count when said encrypted data are returned from said first external apparatus, and disabling the transfer of said content data from said first memory to said external apparatus if said transfer

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count has exceeded a predetermined limit value (column 6, lines 15-27); and, if said second external apparatus is discriminated in said discrimination step, second control step for disabling the return of the encrypted content data from said second external apparatus (column 6, lines 15-27).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571) 272-5861. The examiner can normally be reached on Monday-Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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